

REMARKS

In response to the April 12, 2007 Official Action the Applicant hereby makes the above noted amendments and the below remarks, which it believes places the claims in condition for allowance. Claims 1 and 4 have been amended and Claim 2 has been cancelled. Claims 3 and 6 have not been amended.

35 USC §112

Claims 1 and 4 were rejected under 35 USC 112 as containing subject matter not adequately described in the specification. Applicant has deleted these objected to elements to move the case further along, but nonetheless disagrees with the Patent Office's rejection. In Fig 7b and the corresponding description, the flossing head assembly is secured to the head of the neck/head assembly such that the flossing material is in alignment with the opening, whereby ejecting fluid flows over the section of flossing material. Viewed from the figures, this action must flow over the material in a perpendicular manner. Since Applicant, has however, deleted this text the rejection is seemed moot.

35 USC §103

Claim 1 is rejected under 35 USC 103(a) as being unpatentable over US Patent 6164967 (Sale) in view of US Patent 5906213 (Diffendal). Applicant appreciates the teachings of Sale and Diffendal, however, these references do not teach each and every element of the claimed invention.

Sale teaches the delivery of fluid to a powered toothbrush that utilizes a removable disposable neck assembly that contains a fluid reservoir. In accordance with the teachings of Sale, fluid is distributed around the periphery of the brush. The only other embodiment disclosed and taught by Sale is the use of a tongue scraper which has multiple outlets in an edge of the scraper (Fig 6c and 6d of Sale). Sale lacks any teachings or motivation of the use of a flosser. However, the Patent Office states the Diffendal teaches the use of a flosser having a piece of flossing material supported over a centrally positioned aperture. While the Patent Office is correct in that the Diffendal patent does teach flosser with

fluid discharge, the combination does not teach each and every element of the present invention. Diffendal specifically discloses a flosser, which includes a pair of arms having one of which connected to the dental cleaning tool and having another end extending out over the aperture. The flossing material runs from inside the cleaning tool, out the aperture and connected to the **single** extending arm (emphasis added). Fluid expelling from the aperture flows in a substantially parallel direction to the flossing material. However, both Sale and Diffendal fail to teach Applicants' claimed invention.

Applicants' amended Claim 1 now includes the limitation that the flossing head assembly has a pair of arms with ends defined thereby. The ends of the arms are positioned from the center region and hence extend in an arcuate fashion from the neck/head assembly. The flossing material is supported by both of these ends. This is a substantially structural difference from Diffendal, as Diffendal requires one of the ends of the arms to be secured to its body. Regardless of the fact that to augment and change Diffendal's structure as such would completely change the scope of Diffendal's teachings, Diffendal simply does not provide for this structural element presented in Applicant's claim. Therefore Applicant's amended Claim 1 is patentable over the prior art of reference. Furthermore, Claim 3 which is dependent upon Claim 1 is also in condition for allowance.

Claims 4 and 6 stand rejected under 35 USC 103(a) as being unpatentable over Diffendal in view of Dougan et al. Claim 4 has been amended to include structural elements that define the flossing material has been suspended by the ends of a pair of arms over an aperture in a substantially perpendicular direction to the aperture such that fluid expelling from the aperture flows over the flossing material. As explained above with reference to Claim 1, the cited prior art references do not structurally disclose the elements of Claim 4 and to impart such limitations on these prior art references is improper hindsight.

With the amendments and remarks made herein, a notice of allowance is respectfully requested.
If the Office has additional questions, please contact the undersigned at 312-521-2775.

Respectfully submitted,

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